



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### FINAL MINUTES FOR EMERGENCY TELECONFERENCE MEETING

Held at 5:00 p.m., Monday, October 15, 2007

9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

#### **Board Members**

William R. Martin III, M.D., Chair  
Douglas D. Lee, M.D., Vice Chair  
Dona Pardo, Ph.D., R.N., Secretary  
Dan Eckstrom  
Robert P. Goldfarb, M.D., F.A.C.S.  
Patricia R.J. Griffen  
Ram R. Krishna, M.D.  
Todd A. Lefkowitz, M.D.  
Lorraine L. Mackstaller, M.D.  
Paul M. Petelin Sr., M.D.  
Germaine Proulx  
Amy J. Schneider, M.D., F.A.C.O.G.

#### **Call to Order**

The meeting was called to order at 5:00 p.m.

#### **Roll Call**

The following Board Members participated telephonically: Dr. Goldfarb, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Martin, Dr. Pardo, and Ms. Proulx. The following Board Members were absent from the meeting: Mr. Eckstrom, Ms. Griffen, Dr. Mackstaller, Dr. Petelin, and Dr. Schneider.

#### **Also Present**

Christine Cassetta, Board Legal Counsel. The following Board Staff participated telephonically: Dean Brekke, Assistant Attorney General and Michel Sucher, M.D., Addiction Medicine Consultant.

#### **Call to Public**

Statements issued during the call to public appear beneath the case referenced.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	SUBJECT
1.	MD-07-0874A	AMB	WARREN L. MOODY III, M.D.	31152	Summary Suspension

Dr. Moody participated telephonically with legal counsel, Ms. Rosemary S. Cook. Lorraine Brown, Case Manager, summarized the case for the Board. Staff received notification from a Walgreen's pharmacist that Dr. Moody was writing prescriptions for Vicodin for WF who was not a patient or affiliated with the medical clinic from which the prescription was written. Dr. Moody met with Staff and admitted to writing prescriptions for WF and members of WF's family, JF, and JP. Dr. Moody also admitted that he failed to maintain medical records on these individuals. In addition, he admitted to calling in refills in for WF and stated at times would pick up the prescriptions and pay for them. Dr. Moody was issued an Interim Order for a Biological Fluid and Hair Test on September 21, 2007. Dr. Moody tested positive for opiates, specifically Hydrocodone. Following the testing, Dr. Moody admitted to Staff that during the interview he did not reveal that he had taken Vicodin the day before he met with Staff. Dr. Moody was issued an Interim Order for Residential Evaluation and Treatment at the Betty Ford Center. When Dr. Moody presented for the evaluation, he refused to sign a release for the evaluators to contact his family or employer; therefore, Betty Ford was unable to complete the evaluation, but opined that Dr. Moody was currently not safe to practice medicine. Dr. Moody was offered an Interim Consent Agreement for Practice Restriction on Friday, October 12, 2007 via e-mail and regular mail; however, failed to sign the Agreement. On October 15, 2007, Dr. Michael Carlton notified Staff that he had terminated Dr. Moody's employment for showing up late, requesting office personnel to write narcotic prescriptions for him as well as ordering a large amount of injectable narcotic medications for another office using Dr. Carlton's DEA number. Based upon Dr. Moody's conduct, Staff believed he was not able to be regulated by the Board and his conduct presented an imminent danger to the public health and safety. Staff requested the Board consider summarily suspending Dr. Moody's license.

Dr. Moody stated the Practice Restriction that he received was in a format that his computer did not recognize. He said that he attempted to contact Staff by phone; however, there was no answer. He said he also e-mailed Staff to request the documents in another format but he did not receive a response. Dr. Moody said he has not had a chance to confer with his legal counsel regarding this matter. Dr. Moody also stated that he would voluntarily agree to drug testing. He informed the Board that he went underwent the Evaluation at the Betty Ford Center where he passed the evaluation. Dr. Moody said there was a psychiatrist at Betty Ford that with whom he did not get along and that the evaluators wanted to contact his family; however, Dr. Moody did not want them involved. Therefore, Dr. Moody did not complete the Betty Ford evaluation. Dr. Moody stated his employment required narcotics be kept on-site and that is why he attempted to obtain them through his fellow employee. Ms. Cook said she had just been retained by Dr. Moody and requested the Board grant a continuance so that she could meet with her client prior to any action taken by the Board.

**MOTION: Dr. Martin moved to go into executive session.**

**SECONDED: Dr. Krishna**

**VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.**

**MOTION PASSED.**

The Board went into Executive Session for legal advice at 5:08 p.m.

The Board returned to Open Session at 5:11 p.m.

No deliberations or discussions were made during Executive Session.

Staff informed the Board that Dr. Moody was appropriately notified of this meeting. Christine Cassetta, Board Legal Counsel, informed the Board that it is only obligated to give whatever notice is practicable. Ms. Brown stated the Practice Restriction was e-mailed to Dr. Moody on Friday, October 12, 2007 and she also called him to confirm his receipt, but there was no answer and he did not return the call. Dr. Moody responded via e-mail saying he did not receive the documents in the correct format. Ms. Brown left voicemail messages on Dr. Moody's telephone to obtain his fax number so she could fax a copy of the Agreement; however, Dr. Moody failed to return her call. Dr. Krishna opined that it was obvious Dr. Moody has a substance abuse problem. Dr. Krishna said he believed Dr. Moody was prescribing medication and diverting it to himself. Dr. Krishna noted Dr. Moody did not complete the evaluation at Betty Ford and that Betty Ford opined Dr. Moody was currently unsafe to practice. Dr. Krishna opined that Dr. Moody's violation of A.R.S. §32-1401 (27)(e)- Failing or refusing to maintain adequate records on a patient, A.R.S. §32-1401 (27)(j)- Prescribing, dispensing or administering any controlled substance or prescription-only drug for other than accepted therapeutic purposes, and A.R.S. §32-1401 (27)(r) - Violating a formal order, probation, consent agreement or stipulation issued or entered into by the Board or its executive director under the provisions of this chapter constitutes imminent danger to the public. Michel Sucher, M.D., the Board's addiction medicine consultant concurred with Betty Ford's assessment that Dr. Moody is currently unsafe to practice and opined that Dr. Moody needed to successfully complete and follow any recommendations of the treatment facility. Dr. Krishna said Dr. Moody needed to undergo an inpatient evaluation by a Board approved facility and should not practice until the evaluation and/or treatment is completed. Ms. Cassetta informed the Board that if Dr. Moody's license were to be suspended, he could not practice and the case would be referred to Formal Hearing where Dr. Moody has the right to an expedited hearing before an Administrative Law Judge. Dr. Krishna was concerned with the time it would take to go to Formal Hearing and Ms. Cassetta stated the hearing is required by law to take place within sixty days of the suspension unless the physician waives this right.

**MOTION: Dr. Krishna moved to summarily suspend Dr. Moody's license based on an imminent threat to public health and safety.**

**SECONDED: Dr. Lee**

Dr. Martin questioned whether the Board should consider that Dr. Moody has not yet obtained a copy of the Practice Restriction; however, Drs. Lee and Krishna said that they prefer to follow through with the summary suspension.

**ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Dr. Goldfarb, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Martin, Dr. Pardo, and Ms. Proulx. The following Board Members were absent from the meeting: Mr. Eckstrom, Ms. Griffen, Dr. Mackstaller, Dr. Petelin, and Dr. Schneider.**

**VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.**

**MOTION PASSED.**



The meeting adjourned at 5:22p.m.

A handwritten signature in black ink, reading "Amanda Diehl".

Amanda J. Diehl, Deputy Executive Director